

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

CHARLES M. MCCARTHY JR.,)
Plaintiff(s),) No. C05-4834 BZ
v.)
JO ANNE B. BARNHART,) ORDER DENYING MOTION WITHOUT
Commissioner of Social) PREJUDICE
Security Administration,)
Defendant(s).)

Having read defendant's response to the order to show cause, **IT IS HEREBY ORDERED** that defendant's motion to dismiss pursuant to Rule 41(b) or, in the alternative, for a more definite statement pursuant to Rule 12(e), is **DENIED** without prejudice. Defendant may renew her motion, if, after receiving plaintiff's motion for summary judgment, it appears that plaintiff's motion does not sufficiently focus the long and somewhat rambling complaint to enable defendant to file a cross-motion.

Plaintiff is admonished to have Rule 1 (requiring "the

1 just, speedy, and inexpensive determination of every action")
2 and Rule 8(a) (requiring "a short and plain statement of the
3 claim showing that the pleader is entitled to relief") in mind
4 when preparing his motion.

5 Dated: July 6, 2006

6 
7 Bernard Zimmerman
United States Magistrate Judge

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